

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

v.

Case No: 12-cr-20070
Honorable Linda V. Parker

NAKAILYUS K. BROWN,

Defendant.

**OPINION AND ORDER GRANTING DEFENDANT'S MOTION
REQUESTING A JUDICIAL RECOMMENDATION CONCERNING
LENGTH OF RRC/HALFWAY HOUSE PLACEMENT [ECF NO. 81]**

I. Introduction

Defendant NaKailys Brown, who is representing himself pro se from the Federal Bureau of Prisons ("BOP") McKean Federal Correctional Institution in Lewis Run, Pennsylvania, seeks a judicial recommendation to the BOP to afford Brown placement at a residential reentry center for six months, followed by six months of home confinement. (ECF No. 81 at Pg ID 496.) The government has not filed a response to Brown's motion. For the reasons below, the Court is granting Brown's motion and recommending that the Bureau of Prisons place Brown in a residential reentry center for six months and allowing him to be confined at home for the following six months.

II. Background

On February 22, 2008, Brown pled guilty to violating 21 U.S.C. §841(a)(1) and (b)(1) (“Count I”) and 18 U.S.C. § 924(c) (“Count V”). (ECF No. 47.) Judge Sean F. Cox sentenced Brown to 120 months for violating Count I, and 60 months for violating Count V to be served consecutively. (ECF No. 52 at Pg ID 375.) On September 24, 2015, this Court granted a motion to reduce Brown’s sentence to 87 months for Count I and 60 months for Count V pursuant to 28 U.S.C. § 3582(c)(2). (ECF No. 80.) The order also stated that his sentence of imprisonment should be followed by a term of four years of Supervised Release on each count to be served concurrently. (*Id.*)

Brown has participated in a Residential Drug Abuse Program, a 9 ½ month program so he “could acquire the skills [he] need[s] to maintain my sobriety and live a criminal-free lifestyle.” (ECF No. 81 at Pg ID 496.) Brown was selected to participate in the RDAP’s “Big Brothers” programs, to help mentor new program participants in journaling their experience in the program. (*Id.*) Brown received the highest honor/award in RDAP, which gave him the opportunity to write and deliver the commencement speech at their graduation/transition ceremony. (*Id.*) Brown intends to continue mentoring upon his release, particularly young men in the Flint community. (*Id.*)

Brown requests time in a halfway house prior to home confinement to help him with the transition to society. (*Id.* at Pg ID 498.) Brown expresses how he wants to work on finding gainful employment as well as have time to adjust to changes in society, such as how to use cell phones. (*Id.*) He has been given a job offer at a property management company, contingent on Brown being home by the beginning of 2018. (*Id.* at Pg ID 499.) Brown has expressed remorse for his offense and he is eager to make a difference in the community upon his release. (*Id.* at Pg ID 497.)

Brown seeks a recommendation from this Court that he should be afforded placement at the residential reentry center in Saginaw, Michigan for six months followed by six months of home confinement. (*Id.* at Pg ID 497.) The government has not filed a response to the motion.

III. Legal Standard

The BOP has the discretion to place an inmate into “any available penal or correctional facility.” 18 U.S.C. § 3621(b). Title 18 Section 3624(c) of the United States Code discusses the placement of a prisoner during the final portion of his sentence:

The Director of the [BOP] shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

18 U.S.C. § 3624(c)(1).

A court can make a recommendation that an incarcerated person serve part of their imprisonment in a community corrections facility. 18 U.S.C. § 3621(b)(5).

IV. Analysis

Brown is young and has taken substantive steps to rehabilitate himself through his participation in RDAP. Brown has stood out amongst his peers by his selection to speak at RDAP's graduation ceremony, as well as choosing to mentor inmates who joined the program.

Brown also shows an eagerness to return to his community to continue his mentoring. He has sought employment months in advance of his release as a secretary, which shows his commitment to finding gainful employment upon his release. Brown appears to be an appropriate candidate for placement into the residential reentry center in Saginaw, MI for six months followed by a six-month period of home confinement.

V. Conclusion

Accordingly,

IT IS ORDERED that Defendant's motion requesting a judicial recommendation for placement in a residential reentry center and home confinement (ECF No. 81) is **GRANTED** and the Court **RECOMMENDS** that

the Bureau of Prisons place Brown in a residential reentry center for six months followed by home confinement for six months/the remainder of his sentence.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: July 12, 2017

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, July 12, 2017, by electronic and/or U.S. First Class mail.

s/ R. Lory
Case Manager